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SUBJECT: GOT Response on Doha Declaration on TRIPS and Public Health

Ref: State 245178

Oya Karakas, Head of Department in the MFA General Directorate of Multilateral Economic Affairs, sent Embassy the following reply on the issue of compulsory pharmaceuticals licensing for countries facing public health crises. The Turkish position notes that these provisions are aimed at the least developed countries, but does not positively respond to the U.S. proposal that OECD countries opt out of the right to become a beneficiary importer.

Begin Text MFA Reply:

No. CEGY-I
December 2002

The relationship between the TRIPS Agreement and public health is an important issue. Given the pressing urgency of the public health problems of certain countries and the potential threats faced by some others, an expeditious solution should be found as soon as possible, as foreseen in the paragraph 6 of the Doha Ministerial Declaration.

We recognize the importance of public health and the legitimate concerns of some countries in this area. Public health cannot be discussed only in terms of trade concerns and economic interests, its social and humanitarian dimension should also be taken into account properly.

However, this issue should not either be a pretext to undermine the protection of patent rights. We attach great importance to the principles of the TRIPS Agreement and the international norms in the field of intellectual property protection.

As we have expressed on several occasions, we believe that the TRIPS Agreement provides members with enough room for flexibility in case of emergency situations. Therefore, while conducting negotiations to fulfil the mandate of paragraph 6, existing possibilities within the Agreement should be taken into account and examined. In case of a deficiency, further measures should be sought in order to enable these countries to solve their public health problems. Nevertheless, these measures should also contain safeguards to prevent abuse.

As a developing country, we have certain sensitivities regarding public health and developing countries have different concerns regarding their public health policy. These concerns should be addressed in a satisfactory manner.

In our view, the development aspect is one of the main elements of the WTO negotiations; therefore the concerns of developing countries should be given sufficient attention. Needless to say, the least-developed countries are the primary focus of our task and at this stage there should not be discrimination among them.

While conducting negotiations on this issue, the existing WTO framework and structure should be taken into account and we should not create new categories. Currently, WTO members are classified in three groups: namely developed, developing and least-developed members. We are against creation of new categories, such as OECD countries.

If developing members with high income per capita are to be granted certain flexibilities as the outcome of these negotiations, other developing members with a lower level of income per capita cannot be excluded from this scheme.
End Text.
Pearson